

# TRIPURA GAZETTE



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## EXTRAORDINARY ISSUE

Agartala, Thursday, April 20, 2023 A. D. Chaitra 30, 1944 S. E.

PART-- I--Orders and Notifications by the Government of Tripura,  
The High Court, Government Treasury etc.

**GOVERNMENT OF TRIPURA**  
**OFFICE OF THE MEMBER-SECRETARY**  
**STATE LEVEL SCRUTINY COMMITTEE**  
**(DIRECTORATE FOR WELFARE OF SCs)**  
**TRIPURA :: AGARTALA**

No.F.2-34/SCW/GL/2015/760-64

Dated, Agartala, the 18th April, 2023.

### NOTIFICATION

File No.2-34/SCW/GL/2015  
Year, 2022

**GOVERNMENT OF TRIPURA**  
**ORDER SHEET**

**FORUM:** STATE LEVEL SCRUTINY COMMITTEE [CONSTITUTED AS PER PROVISION CONTAINED IN RULE 7A OF THE TRIPURA SCHEDULED CASTE AND SCHEDULED TRIBES RESERVATION RULES, 1992 (AS AMENDED)]

State of Tripura  
(Director, Welfare of Sch. Castes, Govt. of Tripura )

----- Prosecution

### VERSUS

Sri Anjan Sarkar  
S/O.Lt. Haripada Sarkar  
of Madhuban, Kathaltali,  
P.S.-Amtali, West Tripura

----- Opposite Party

**Counsel of the Prosecution:-**  
**Counsel of the Opposite Party:-**

Mr. Debesh Ch. Ray, Ld. Advocate  
Shri Bhaskar Debbarma, Ld. Advocate

Sl. No.	DATE	FINAL ORDER	REMARKS
1	2	3	4
1.	01.04.2023	<p>The case was placed before the State Level Scrutiny Committee (hereinafter referred to as Committee) on 25.06.2021, by Director, Welfare of Sch. Castes, Govt. of Tripura.</p> <p>2. On scrutiny of the available record, the Committee found that, an accusation dated 25.05.2015 was received by the Director of SC Welfare, from a Newspaper clipping of Syandan Patrika, dated 25.05.2015 was forwarded from the CM Secretariat (Press and Public Relation Services), Civil Secretariat, Agartala vide letter No.F.1(17)/Press Cell/Sect/ 2013, dated 25-05-2015 addressed to the PA/PS to the Principal Secretary/ Secretary, SC Welfare Department. In the News item it was inter alia stated that one Smti Tagar Sarkar, sister of one Sri Anjan Sarkar has lodged complaint with the SDM, Sadar on 2<sup>nd</sup> December, 2013 to the effect that her brother Sri Anjan Sarkar has been serving in the said office with the strength of false SC Certificate. It was also mentioned in the news item that Sri Anjan Sarkar has managed false SC certificates in favour of his wife and daughter also, whereas the other family</p>	Page- 1 of 7.

01.04.2023	<p>members are all of UR category. The complainant has expired in the month of February of that year. Her another sister Smt. Prativa Sarkar has also submitted a similar complaint with all details to the SDM, Sadar on 18<sup>th</sup> May, 2015.</p> <p>3. The complaint was referred it to the Director of Vigilance Cell, Govt. of Tripura on 23.09.2015 to investigate into the community status of Sri Anjan Sarkar S/O. Haripada Sarkar of Madhuban, Kathaltali, P.S.-Amtali under Dukli Block. The Sub-Divisional Magistrate, Sadar, Agartala, West Tripura was also requested on 09.06.2015 for an enquiry and to submit report. In turn, the SDM, Sadar had forwarded the report of the BDO, accompanied with the resolution of SC Welfare Sub-Committee, Dukli, dated 10.07.2015 wherein the Cast Certificate of the OP was denied.</p> <p>4. The Superintendant of Police (Vigilance), Tripura, Agartala vide Verification Report No.F. 2(77)/VIG/2004/VR/SC-W/150/SP/Vig/Com/2016 dt. 31.05.2016 had forwarded the Enquiry Report of the Enquiry Officer, Shri Sibaranjan Chakraborty, Inspector of Police (Vigilance), Tripura, Agartala, before the Under Secretary, General Administration (AR) Department, Govt. of Tripura, which was further forwarded to the Member-Secretary, State Level Scrutiny Committee (Director for Welfare of Sch.Castes), Tripura, Agartala vide letter No.F.11(66)-GA(AR)/01/Part-1(one)/1124-25 dt. 22<sup>nd</sup> June, 2016. <b>In the Vigilance Report dt. 22.06.2016 it has been mentioned that Sri Anjan Sarkar (hereinafter called as the O.P) does not belong to Schedule Caste of Namasudra community as his father does not belong to this caste. His brother/sisters also do not belong to Schedule Caste of Namasudra Community. During enquiry the fact emerged that the SC Certificate of Sri Anjan Sarkar is not genuine.</b></p> <p>5. The Sub-Divisional Magistrate, Sadar, West Tripura on the other hand, submitted verification report, vide No. 2952/F.9-86/SDM/SDR/SCW/14-15 dt.14.09.2015, along with a copy of submitted a report of the Block Development Officer, Dukli R.D. Block along with a copy of</p>	Page- 2 of 7.
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01.04.2023	<p><b>resolution dt. 10.07.2015 of the SC Welfare Sub-Committee, Dukli R.D. Block stating that Sri Anjan Sarkar does not belong to Scheduled Caste of Namasudra Community.</b></p> <p><b>Proceeding before the Committee:</b></p> <p>6. Since both the reports from the vigilance inquiry authority and the local SC Welfare Sub-Committee categorically denied the genuineness of Schedule Cast status of the opposite party, the committee had decided to undertake the detail inquiry proceeding, with a view to provide equal opportunity to the opposite party to defend the allegation against him.</p> <p>In the course of the proceeding the Prosecution side examined total seven Prosecution Witnesses, namely the accuser Smt. Prativa Sarkar (PW-1), Sri Sankar Chandra Sarkar, Ex-Chairman, SC Welfare Sub- Committee, Dukli R.D. Block (PW-2), Sri Pradip Hrishu Das, Ex- Member, SC Welfare Sub- Committee, Dukli R.D. Block (PW-3), Smt. Jayanti Das (Majumder), Ex- Member, SC Welfare Sub-Committee, Dukli R.D. Block (PW-4), Sri Jatindra Chandra Das, Ex- Member, SC Welfare Sub- Committee, Dukli R.D. Block (PW-5) and The Vigilance Enquiry Officers Sri Samiran Chakraborty (PW-6) and Sri Sibaranjan Chakraborty (PW-7) who were examined cross-examined and accordingly discharged. Evidence of the Prosecution was closed accordingly.</p> <p>On the other hand, the O.P also adduced two Defense Witnesses, namely Smt. Pratima Sarkar (DW-1) and the O.P himself as DW-2, who were examined cross-examined and accordingly discharged. Evidence of the OP was closed.</p> <p>7. Argument heard on 26.08.2022.</p> <p><b>Points to be adjudicated by the Committee:</b></p> <p>8. The Committee, on careful examination of all the facts &amp; circumstances and the supporting documents &amp; other evidences, adduced by both the sides, had to decide the following issues, for arriving at a judicious decision, in this respect:-</p> <p>(i) whether the full blooded sisters of the OP lodged false</p>	<p>Page- 3 of 7.</p>
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	01.04.2023	<p>complaint only due to their anguish relating to property dispute or they have raised the knowing fully well about the Cast Status.</p> <p>(ii) Whether there is sufficient evidence to establish the contents of the complaint and the counter evidences</p> <p>(iii) Whether the O.P is not entitled to derive benefits from the State of Tripura, under rule 5(2)(d) of the Tripura SCs &amp; STs Reservation Rules,1992?</p> <p>(iv) Whether the caste certificate of the OP is liable to be cancelled and confiscated?</p> <p><b>Evaluation of the evidences by the Committee:</b></p> <p>8. (i) On meticulous examination of the records, the Committee noticed that, the entire prosecution claim is based on the Vigilance Enquiry Reports, submitted which concluded with the finding to the effect that, the O.P does not belong to Namasudra Community. During enquiry the fact emerged that the SC Certificate of Sri Anjan Sarkar is not genuine.</p> <p>(ii) For arriving at such a conclusion, the former Vigilance Enquiry Officers, for the purpose of enquiry had recorded the statements of relatives/neighbor of the O.P and Chairman and Members, SC Welfare Sub-Committee, Dukli R.D. Block. The enquiry report concludes with the observation that the other relatives /neighbor of the O.P and member of SC Welfare Sub- Committee had stated that Sri Anjan Sarkar does not belong to SC Community.</p> <p>(iii) On the same hand, the local enquiry reports of the Sub- Divisional Magistrate based on the opinion of the concerned SC Welfare Sub- Committee, Dukli R.D. Block have stated that the O.P does not belong to Schedule Caste.</p> <p>(iv) Report of Vigilance Enquiry, report of Sub-Divisional Magistrate and report of SC Welfare Sub-Committee are mainly based on the statement of the witnesses, who are the relatives/ neighbor of the O.P. In the cross – examination of the PW- 2, 3, 4 &amp; 5, Sri Sankar Chandra Sarkar, Sri Pradip Hrishidas, Smt. Jayanti Das (Majumder), Sri Jatindra Chandra Das, Ex- Chairman and Members, SC Welfare Sub- Committee, Dukli R.D. Block stated that Sri Anjan Sarkar does not belong to SC Community. The PW-6 &amp; 7, Sri Samiran Chakraborty and</p>	Page- 4 of 7.
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01.04.2023	<p>Sri Sibaranjan Chakraborty, Vigilance Enquiry Officers both the stated that Sri Anjan Sarkar does not belong to SC community.</p> <p>(v) On the other hand the OP adduced one independent witness in support of his defense. DW-1, Smti Pratima Sarkar who is the sister of the OP, has stated that her father's name Lt. Haripada Sarkar, names of her brothers are Shri Anjan Sarkar and Shri Kajal Sarkar and the names of her sisters are Lt. Tagar Sarkar, Smt. Pratibha Sarkar Das. She obtained Scheduled Caste certificate in the year 1974 and got a Government job in the year 1978 as LDC, by dint of SC certificate. All of her brothers and sisters got SC certificate. They belong to Namasudra Community. Her father used to work as a day labourer. She couldn't tell whether her father had SC certificate or not. During examination, the DW stated that, her sister Smt. Pratibha Sarkar lodged this false complaint due to the misunderstanding regarding ancestral property. Now, the dispute regarding the property is settled.</p> <p><b>In the cross-examination DW-1,</b> admitted that she obtained the SC Certificate by showing an MLA Certificate. She couldn't tell whether her father and the uncles had obtained SC Certificate or not. The DW admitted that, the Vigilance enquiry officer had recorded her statement her sister and Shri Anjan Sarkar. The DW couldn't ascertain whether Shri Anjan Sarkar had recorded his name in the School record as an SC.</p> <p><b>The Committee also examined and scrutinized all the relevant documents, like-</b></p> <p>(1) Service Book, (2) Record of employment exchange, but the Caste Status of the OP is not found in any document.</p> <p>The OP submitted some documents, like :-</p> <p>(1) Appointment letter vide No. 11822-43 dt. 5<sup>th</sup> June, 1981, (2) offer of appointment vide No. 11090-91 dt. 25.05.1981, (3) copy of SC certificate vide No. 1288 dt. 28.10.75 under challenge, and (4) copy of Citizenship certificate vide No. 11455 dt. 12.08.75.</p> <p><b>FINDINGS OF THE COMMITTEE:</b></p> <p>After evaluating all the evidence and reports and</p>	Page- 5 of 7.
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01.04.2023	<p>observations of different committees and authorities the committee hereby records its point wise evidence;</p> <p>(i) The complainants are the full blooded sisters of the opposite party and they have lodged the complaint being fully aware about the consequence. Though the defence raised the issue that the complainants has lodged the complaint being aggrieved with a property dispute but this committee cannot digest the fact that a family dispute can lead the complainant to raise such an issue relating to the caste status. Due to innocence or being driven by any specific intention, be it whatever, perhaps the truth has been spelt out genuinely by the complainants. During cross-examination also the committee has perceived the shattering approach of the complaint. The complainant is the best person to know about the caste status of the opposite party, and of the family as well. During examination the defence witness Smt Pratima Sarkar, who is another sister of the opposite party has admitted that she has obtained the cast certificate only by dint of a MLA certificate. She also has failed to confirm whether their father and the uncles had obtained any caste certificate or not.</p> <p>The committee is therefore decides the point against the opposite party, holding that the complaint was lodged genuinely, whatever was reason behind it.</p> <p>(ii) As already discussed in the point (1) <i>supra</i>, the evidences of both the sides have already been evaluated sufficiently and it can be safely said all the substantial evidences are against the caste status of the opposite party and the defence has failed to produce any such material and evidence to defend the case against him. The documents, he has submitted, do not support the caste status at all and the SC certificate, which itself is under challenge, cannot be treated as an evidence.</p> <p>In view of the above, point no. (ii) is decided against the opposite party.</p> <p>(iii) Since point no. (i) &amp; (ii) <i>supra</i> are decided against the opposite party, point no. (iii) is automatically to be decided against the opposite party and so for point no. (iv).</p> <p>In view of the above, we find that the O.P failed to</p>	Page- 6 of 7.
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01.04.2023	<p>prove that he belongs to Namsudra Community (as claimed by the O.P) i.e Scheduled Caste Community. O.P Sri Anjan Sarkar, S/O. Lt. Haripada Sarkar, of Madhuban, Kathaltali, P.S. Amtali, West Tripura does not belong to Scheduled Caste Community. Thus, the SC Certificate bearing No. 1288/DM/GL/W/75 dt. 28.10.75 issued in favour of Sri Anjan Sarkar, S/O. Haripada Sarkar of Madhuban, West Tripura, by the then District Magistrate &amp; Collector, West Tripura <b>is hereby cancelled and confiscated</b>. O.P Sri Anjan Sarkar is hereby directed to return his original SC certificate to the office of the Director for Welfare of SC's within 7 (seven) days from the date of receipt of this order.</p> <p>Issue copy of the Order to the Certificate Issuing Authority for making an entry in the relevant register.</p> <p>Supply a copy of this order to the OP Sri Anjan Sarkar and also to the other concerned authorities.</p>	Page- 7 of 7.
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Typed to the dictation  
& corrected by us.

  
Member  
(Joint Secretary, Law Department)

  
Member  
(Deputy Director, Sch.Caste Welfare Deptt.)

  
Member-Secretary  
(Director, Sch. Caste Welfare Deptt.)

  
Chairman  
(Special Secretary, SC Welfare Deptt.)